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Letter dated 13 August 2002 from the Chairman of the International Law Commission to the Chairman of the Sixth Committee

I write to you in my capacity as Chairman of the International Law Commission.

I would like to express my surprise at the General Assembly resolution which reduced the long-established honoraria payable to members of the Commission and members of other bodies. The long-established honoraria were still applicable last November when the members were elected to the Commission and consequently a legitimate expectation as part of the conditions which a member of the Commission could in all fairness anticipate.

Moreover, I have been requested by the International Law Commission to bring to your attention the following text:

> "The Commission noted that, after the date on which members were appointed to their position, the General Assembly adopted resolution A/56/272, which reduced the honoraria payable to them and to members of certain other bodies.
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> "The Commission draws attention to the point made in the report of the Secretary-General (A/53/643) that the level of the honoraria had not been reviewed since 1981 and that the decision of the General Assembly was taken in direct contradiction to the conclusions and recommendations in that report to the effect that the honoraria should be reviewed.
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> "The Commission notes that the decision by the General Assembly was taken without consultation with the Commission and considers that the decision is not consistent in procedure or substance with either the principles of fairness on which the United Nations conducts its affairs or with the spirit of service with which members of the Commission contribute their time and approach their work.
>
> "Moreover, the Commission feels compelled to stress that the above resolution especially affects Special Rapporteurs, in particular those from developing countries, as it compromises the support for their research work.

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"The Commission decided to bring its concerns to the attention of Members States in the hope that the above-mentioned resolution will be duly reconsidered.

"The members of the Commission, concerned about the administrative costs involved in the payment of the current symbolic honoraria, also decided that they would not collect it."

(*Signed*) Robert **Rosenstock**